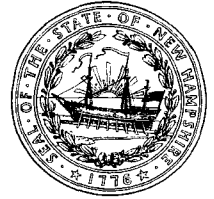




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

July 25, 2006

Mr. Curtis Coleman
Vice President
Alvin J. Coleman & Son, Inc.
9 NH Route 113
Albany, New Hampshire 03818

CERTIFIED MAIL (7005 1160 0004 7467 7267)
RETURN-RECEIPT REQUESTED
LETTER OF DEFICIENCY
No. ARD 06-017
(Sta.S)

Dear Mr. Coleman:

On June 16, 2006, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") conducted a compliance inspection at the Alvin J. Coleman & Son, Inc. ("Coleman") sand and gravel operation at 9 NH Route 113 in Albany, New Hampshire ("the Facility"). The purpose of the inspection was to determine Coleman's compliance status with the N.H. Administrative Rules Env-A 100 *et seq.*, NH Rules Governing the Control of Air Pollution, State Permit to Operate FP-S-0273 ("the SPO"), issued to Coleman on June 8, 2006, and General State Permit GSP-NM-003 ("the GSP"), issued to Coleman on May 25, 2004. On July 17, 2006, DES sent you a copy of the inspection report.

As a result of the inspection and file review, this Letter of Deficiency ("LOD") is being sent to identify the following deficiencies:

1. RSA 125-C:11 and Env-A 603.01, *Permit Required*, require the owner or operator of a source of air pollutants to obtain a state permit to operate prior to the operation of a source or device if that source or device is specified in Env-A 608.01, *Specific Applicability*. Env-A 608.12 provides an application shield for the owner or operator of a facility that applies for a state permit to operate at least 90 days prior to the expiration of the facility's temporary permit. DES had issued Temporary Permit FP-T-0119 to Coleman for the Facility's six generators on October 21, 2004. The temporary permit expired on March 31, 2006. Coleman applied for a state permit to operate the six generators on March 10, 2006, less than 90 days prior to March 31, 2006. The SPO was issued on June 8, 2006. Therefore, Coleman operated the six generators without a permit from April 1, 2006 until June 8, 2006, in violation of Env-A 603.01.
2. 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, which is incorporated by reference at Env-A 503, requires the Facility to conduct visible emissions testing at all emission points for all crushing and material handling equipment for which construction commenced after August 31, 1983, within 180 days of installation. Three crushing plants subject to Subpart OOO were installed after August 31, 1983, but the required testing was not conducted within 180 days after installation. The cover letter to the GSP required that the testing be done within 90 days after issuance of the GSP. Testing initiated more than 90 days later in the fall of 2004 was not completed due to results indicating that the crushers could not meet the opacity requirements in Subpart OOO. By letter dated November 30, 2004, Coleman assured DES that an action plan would be developed over the winter, "with corrections made prior to startup of our 2005 season." It is unclear whether an action plan was ever developed, but the visible emissions testing has not been completed.

3. 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, which is incorporated by reference at Env-A 503, sets an opacity standard of 10% for transfer points. Both the conveyor and the screen were installed after August 31, 1983, making the transfer point between the two devices subject to the 10% standard. During the June 16, 2006 inspection, opacity exceeding 20% was noted at the transfer point from Conveyor #3 to the screen in Plant #2.
4. Env-A 2803.02, *Fugitive Dust Emission Control Systems for Sand and Gravel Systems*, and Condition V.D. of the GSP require a source to be equipped with a fugitive emission control system to control emissions of particulate matter. Plant #3 is not equipped with a water suppression system. Further, if Plant #2 is equipped with a water suppression system, it is not working properly, as evidenced by opacity in excess of 20% observed during the June 16, 2006 inspection.
5. Env-A 905.02, *General NO_x Recordkeeping*, and Condition VIII.D.2 of the SPO require Coleman to calculate, for each combustion device, actual NO_x emissions in tons for the calendar year and, for a high ozone season day during that calendar year, in pounds per day. These records are not being kept at the Facility.
6. Env-A 907, *General Reporting Requirements*, and Condition IX.A. of the SPO require Coleman to submit an emissions report each year by April 15 for the prior year's emissions. The emissions report is required to include actual calendar year emissions, type of fuel, amount of fuel burned on a monthly basis, sulfur content of any liquid fuel burned, and hours of operation of each generator on a monthly basis. The emissions report submitted by Coleman for calendar year 2005 contained only annual fuel usage.
7. Env-A 907 and Condition IX.A. of the GSP require Coleman to submit an annual emissions report, which must include actual calendar year emissions of total suspended particulate matter and particulate matter with a diameter of 10 microns (PM₁₀) on a monthly basis, annual throughput, and hours of operation on a monthly basis. Coleman only provided annual throughput in its emissions report for calendar year 2005.
8. Env-A 705, *Emission-Based Fee*, and Condition XI. of the Permit require Coleman to submit annual emission-based fees by April 15 for the prior year's emissions as calculated pursuant to Env-A 705.03. Coleman did not submit emission-based fees for calendar year 2005 until June 6, 2006.

DES believes that the deficiencies can be resolved by Coleman taking the following actions:

- i. On or before **September 29, 2006**, have a certified Method 9 observer conduct visible emissions tests on the portable rock crushers in accordance with 40 CFR 60.11(b) and 40 CFR 60.675. The relevant opacity standards, established in 40 CFR 60.672, are 10% for transfer points on belt conveyors and 15% for the crushers. At least **30 days** prior to the test, Coleman shall submit to DES a test protocol and notify DES of the test date.
- ii. On or before **September 29, 2006**, take whatever steps are necessary to insure that the water suppression systems in Plants #1 and #2 are operating properly, and install a water suppression system for Plant #3.

- iii. On or before **October 31, 2006**, submit to DES a written report on the results of the visible emissions tests.
- iv. On or before **October 31, 2006**, submit to DES a written plan, subject to DES approval, describing the steps Coleman has taken or will take to ensure compliance with all applicable opacity standards. If the opacity test results indicate that the Facility does not meet all applicable opacity standards, the plan shall also include a compliance schedule, subject to DES approval.

In the event compliance is not achieved within the time periods indicated, DES may initiate formal action against Coleman, including issuing an order requiring the deficiency to be corrected, and/or referring this matter to the NH Department of Justice for imposition of civil and/or criminal penalties.


Please address all information to Barbara Hoffman, at the following address:

NHDES Air Resources Division
Enforcement Section
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

Please be advised that DES will continue to monitor the compliance status of Coleman and that this letter does not provide relief against any other existing or future violations. It is important that Coleman be aware of all applicable regulations and the requirements of its permits, and that Coleman keep records necessary to submit compliant annual emissions reports in the future.

If you have questions regarding compliance with Env-A 100 et seq. or require further information, please contact Barbara Hoffman at (603) 271-7874, Air Resources Division, Compliance Bureau. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.nh.gov/rules/air.htm> or by contacting the Public Information Center at (603) 271-2975.

Sincerely,


COPY
for Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/blh

cc: R. Kurowski, EPA Region 1
G. Hamel, DES Legal Unit Administrator
Robert Mathieu, Chair, Board of Selectmen, Town of Albany
AFS # 3301300006